

**Acton Board of Health**

**Minutes**

**October 24, 2005**

Members Present: William McInnis, Chairman, Mark Conoby, Joanne Bissetta, Member and Phillip Alvarez, Associate with voting powers(Voting for Pam Harting-Barrat).

Staff Present: Brent Reagor and Sheryl Ball.

Others Present: Debra Simes, Joe Pianese, Anne Ford, Mary Michelman, Anne Beecher, Bill Michaels, John Frey, and Matthew Ashby.

The meeting was called to order at 5:37 p.m.

**Yankee Village – Emergency Repair**

Yankee Village is requesting permission, under an emergency repair to temporarily put untreated wastewater into the existing leaching field rather than pump their septic tanks on a daily basis as a fire has destroyed their wastewater treatment plant. Their septic tanks have been closed off and are being utilized as tight tanks prior to construction of the new treatment plant, however, due to the cost associated with pumping (approximately \$3,000-\$4,000 per week) on a daily basis they are proposing that the Board allow them to pump into the leaching fields. Mr. Reagor stated that Title 5 does not recognize the type of treatment plant that Yankee Village had and it will need site specific approval from the BOH prior to being submitted to DEP for approval. DEP has indicated that this site plan process could take 60 to 90 days for the approval process. This project is similar to the project that Kevin Sweeney did at Colonial Acres and will need the same approvals. The Board stated that they are concerned with the length of time that Yankee Village will be utilizing the leaching fields and expressed concern that the fields may or may not be able to take discharge over a long period of time. Mr. Reagor hopes that he can follow this process

and be in contact with DEP to help push this along. The Board also asked the definition of an emergency repair. The Health Department has looked at Title 5 and stated that this would constitute an emergency repair. Ms. Bissetta asked how big the leaching field is. The original system is concrete chambers with 4,688 square feet plus sidewall. The proposed new system will be 7950 gallons per day. Mr. McInnis expressed concern with the follow through of rebuilding the treatment plant. Ms. Ford, representing Yankee Village, has hired an engineering company that has already started the process of designing the new treatment plant. Mr. Conoby informed Yankee village of the potential risk that the leaching field may clog due to this type of use. Mr. Conoby asked Yankee Village to think hard about meeting their timelines. Mr. Reagor stated that the Health Department will work as fast as their engineer. On a motion made by Mr. Conoby, seconded by Ms. Bissetta, the Board unanimously voted to grant temporary approval to Yankee Village to utilize their leaching fields as an emergency repair prior to approval of the new treatment plant with the following conditions:

1. Within 14 days the applicant must provide, in writing, to the Health Department, their decision of which permitting path they have chosen to follow to ameliorate their situation.
2. Within 14 days the Health Department must witness a deep test hole, in an area adjacent to the disposal field, for the purposes of determining the estimated seasonal high groundwater elevation. This evaluation shall be performed by a Certified Soil Evaluator in the Commonwealth of Massachusetts.
3. Within thirty (30) days, the applicant shall submit an application and plans for the reconstruction or replacement of the wastewater treatment system. The applicant shall also submit a compliance schedule with milestone dates for the project.
4. This emergency repair permit shall immediately become invalid if the applicant fails to adhere to the timeline set forth by the Board of Health. If the permit becomes invalid, the applicant shall immediately cease discharges to the disposal field and re-commence daily pumping of the onsite septic tanks.
5. This permit shall be valid until November 28, 2005. If at that time, the applicant can demonstrate acceptable progress to the Board of Health, one 30 day extension may be granted.
6. The applicant shall submit, in writing, acceptance of these conditions.

7. The applicant, or their agent, shall inspect the liquid levels in the distribution boxes, and the level of clogging in the effluent tee filters on a weekly basis, or as directed by the Health Department.

### **Mill Corner – Title 5 Ruling**

On August 27, 2004, a Title 5 inspection was done for Mill Corner Condominium Association and it received a conditional pass due to D boxes, outlet baffles, and a pump chamber that needs to be replaced. This property is located in the sewer district with betterments assessed. The Health Department also inspected the system and the system was found to be in need of repairs and told Mill Corner that there only solution was to hook-up to the Town sewer. The Association has indicated that the repairs to the septic system would cost approximately \$10,000 vs. hooking up to the sewer at approximately \$136,000. Mill Corner is questioning whether their repairs are considered an upgrade as they believe that the repairs should be considered a modification which may be repaired within the sewer district. The system can function if the items are replaced. The Board asked if we could get DEP guidance regarding this question, however, it was stated that the DEP would take too long time to make this decision. Mill Corner Association has already hired an engineer to design the hookup to the town sewer and has begun collecting fees for a future hookup to the sewer. Mr. McInnis asked the Board their opinions. The general consensus of the Board was that the system will be replaced with the same that is already there and could be classified as a general modification. The Board directed the Health Department directed to draft a policy for work done within the sewer system. On a motion made by Mr. Alvarez, seconded by Ms. Bissetta, the Board unanimously approved the modification of the septic system located at Mill Corner and conditioned that the repair permit be issued with the following conditions:

1. Garbage grinders are not allowed in any dwelling. Within thirty days of the granting of this approval, the Condominium Association shall submit, in writing, to the Board of Health, a report detailing each dwelling and the existence (including documentation of removal) or absence of garbage grinders.
2. The common septic tank shall be pumped on an annual basis and each unit shall have its septic tank pumped once every two years.

3. The trustees shall appoint a unit owner to be a liaison with the Board of Health. This individual shall report, on an annual basis, the status of the Mill Corner financial account to fund the eventual connection of the development to the Middle Fort Pond Brook Sanitary Sewer System.
4. Water meter readings for each unit shall be submitted annually to the Board of Health.
5. A complete Title 5 inspection of the entire system shall be performed once per year. Any other result, other than "Pass," shall result in a connection to the public sewer system within 90 days of the date of inspection.

#### **Anne Beecher – Massage Practitioner**

The Health Department is in receipt of an application for a license to practice massage from Anne Beecher. Ms. Beecher has completed all of the necessary documentation and will be working out of a licensed establishment (Massage for Health, Great Road, Acton, MA) . The Health Department recommends approval of this request. Ms. Beecher is currently licensed by the Town of Chelmsford and Tyngsboro and is in good standing. Mr. McInnis asked about her Tb test and asked if she was up to date on sanitation rules. Ms. Beecher indicated that she had just completed some courses. On a motion made by, Ms. Bissetta, seconded by Mr. Conoby, the Board unanimously voted to grant a Massage Practitioner License to Anne Beecher.

#### **1 Highland Road – Variance**

The Health Department is in receipt of a request for a variance from 310 CMR 15.405 (1)(b) for a reduction in the setback from a leaching field to a foundation wall to the property located at 1 Highland Road. The Health Department has reviewed the proposed plans and finds that the site is limited by the location of the house and a 40 mil poly barrier is proposed 5' off the system to provide environmental protection.. On a motion made by Mr. Conoby, seconded by Ms. Bissetta the Board unanimously voted to grant a variance from 310 CMR 15.405(1)(b) to the property located at 1 Highland Road with the following conditions:

1. The system shall be pumped at least once every two years.
2. The system shall be constructed in accordance with the plan stamped by Paul McNulty, PE dated 10/3/2005.

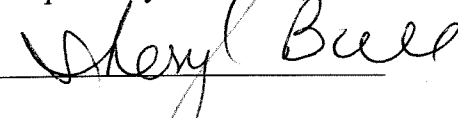
**Medicare Reimbursement Rate Change**

The Acton Public Health Nursing Service (APHNS) requests that the Board of Health increase the published rate of the influenza and pneumococcal immunization vaccine to \$30.00 per injection. In order to bill Medicare and receive maximum reimbursement the published rate must be \$30.00. The Medicare provider agreement dictates that agencies may not bill Medicare greater than their published rates. Medicare regulations also allow adjustments to public/customary rates so rates may be adjusted to the private and public pay making it affordable to all. On a motion made by Mr. Conoby, seconded Ms. Bissetta, the Board unanimously voted to increase the published rate of the influenza and pneumococcal immunization vaccine to \$30.00 per injection subject to Board of Selectmen approval.

**Adjournment**

On a motion made by Mr. Conoby, seconded by Ms. Bissetta, the Board unanimously voted to adjourn the meeting at 6:45 p.m.

Respectfully Submitted,

  
Sheryl Ball, Health Secretary

Acton Board of Health



William McInnis, Chairman

Acton Board of Health